

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

ROBERT ROMAYA and BASIMA ROMAYA,

Plaintiffs,

Case No. 2004-5353-CZ

vs.

DAVID JACOB HALMAN, RON KASSHAMOUN
and KAY KASSHAMOUN,

Defendants.

OPINION AND ORDER

Plaintiffs moved to vacate and for relief under MCR 2.612 as to Kay Kasshamoun's judgment of summary disposition and order denying rehearing.

As expressed in plaintiffs' motion, this Court entered summary disposition in favor of defendant Kay Kasshamoun; a subsequent motion for rehearing was denied on March 2, 2006. Plaintiffs now move under MCR 2.612, but have failed to inform the Court under which subrule they find appropriate for relief. It is not the Court's duty to guess under what theory a party seeks relief.

Quite candidly, the Court is at a loss as to what plaintiffs are attempting to achieve with their motion, other than prompting the Court to reconsider the reconsideration it denied March 21, 2006. Plaintiffs present statements of position which have already been addressed, and the Court will not rehash these stale arguments. In a nutshell, plaintiffs continue to maintain that counsel Yaldo constituted a fraud on the Court by lying in his pleadings, cites some case law, but offers no coherent, lucid or articulate argument or analysis to assist the Court in a proper



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understanding of their position. To this end, the Court will not attempt to sort out and resolve plaintiff's arguments.

In sum, the Court finds this motion merely an untimely motion for reconsideration of a motion for rehearing and appropriately DENIES plaintiffs' motion. Pursuant to MCR 2.602(A)(3), this case remains OPEN.

IT IS SO ORDERED.



JAMES M. BIERNAT, Circuit Judge

JMB/kmv

DATED: June 7, 2006

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